



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

Ref: 8ENF-L

**SENT VIA EMAIL**

Mr. Alejandro Moreno  
Manager  
Panther Development Investments, LLC  
6401 Congress Avenue, Suite 250  
Boca Raton, Florida 33487

Re: Combined Complaint and Consent Agreement

Dear Mr. Moreno:

Enclosed please find a draft combined complaint and consent agreement (Consent Agreement) to address violations of the federal Clean Water Act, 33 U.S.C. §§ 1251–1387, and 40 C.F.R. part 122 – The National Pollution Discharge Elimination System, at the Black Eagle Estates and White Oaks Park construction sites in Mandaree, North Dakota.

This Agreement is entered into by the U.S. Environmental Protection Agency (EPA) and Panther Development Investments, LLC (Panther), for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. § 22.13(b), and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

After your initial review, the draft Consent Agreement was routed through EPA management for concurrence. Several changes were made to the original document to address formatting issues. You will also note that paragraph 5 was modified to explicitly address Respondent's waiver of judicial review under the Administrative Procedure Act, which provides for judicial review of final agency action. This modification makes the document more consistent with other consent agreements filed in Region 8.

Please review this draft Consent Agreement carefully and provide me with any comments or concerns as soon as possible. If we are unable to reach agreement on the terms of this action within fifteen (15) days from the date of this letter, the EPA anticipates issuing a unilateral administrative complaint. Alternatively, if you are satisfied with the terms of the Consent Agreement in its current form, please print out, sign, and return the original by mail, which will be routed through EPA management for final approval and execution.

If you have any questions, please feel free to contact me at 303-312-6106. You may also contact Emilio Llamozas, Environmental Engineer, at 303-312-6407. We appreciate your cooperation in working to resolve this matter.

Sincerely,

*Abigail Dean*

Abigail Dean  
Enforcement Attorney  
Office of Enforcement, Compliance and  
Environmental Justice

Enclosure

cc: Andrew D. Levy, Esq.  
alevy@fwblaw.net

